

In The Matter Of:

*Merchant Capital, LLC, and New Sunshine, LLC v.
Melania Marks Skincare, LLC*

*Stephen C. Hilbert
October 9, 2013*



<p style="text-align: right;">Page 17</p> <p>1 have talked to him, and I really didn't talk to him 2 again until 1998. 3 Q. And then what contact did you have with Mr. Trump 4 in 1998? 5 A. I received a call from Donald in 1998, and he told 6 me that he had an opportunity that he thought could 7 be a good investment for Consec and potentially we 8 could do it together. 9 And he asked me if I knew the Simon family, 10 which is Herb, Mel, David, the founders and CEO of 11 Simon Property Group. They had just acquired a 12 company, which was Commercial Property, Inc. I 13 think CPI was the name of the company, as I recall. 14 I couldn't be exact. That was 1998. And they had 15 one property that wasn't a mall, and that was the 16 General Motors Building. 17 And he said, I think -- I'm pretty sure it's 18 for sale, and I think it would be a great deal if 19 we could buy it for a price. And we had a private 20 capital group, and I had our private capital group 21 get with his people and look at the numbers, the 22 rent rolls, all the things that are important to 23 value the property. We concurred that it could be 24 a very good deal. 25 And I went and saw the Simon family, and we</p>	<p style="text-align: right;">Page 19</p> <p>1 You know, Mr. Hilbert is here as a third-party 2 witness. I'm not quite sure what the relevance of 3 this line of questioning is, Counsel. I'm going to 4 object to any questions with respect to the 5 personal relationship. If your question is when is 6 the next time you had any contact with Mr. Trump, 7 you can answer that question, Mr. Hilbert. I'm 8 objecting to form, Counsel. I'm not sure where 9 you're going with this. 10 Q. Well, we are interested in both your relationships 11 with the Trumps on a personal level as well as on a 12 professional or business level, and we believe 13 that's all relevant. But let me ask you this: 14 When Consec entered into the deal with Mr. Trump 15 in 1998 for the GM Building, how long from the 16 start of negotiations until the deal was closed, 17 how long did that take? 18 A. I don't recall. I mean, that was not an 19 insignificant deal. It, at the time, was the 20 largest real estate deal done in New York. And 21 there had to be financing put into the place, which 22 Lehman provided. So I couldn't give you the exact 23 dates. I know it closed June 30th of 1998. 24 Q. All right. So when was the next time you had 25 contact with Mr. Trump after June 1998?</p>
<p style="text-align: right;">Page 18</p> <p>1 did a handshake deal that turned into a paper deal. 2 And we ended up buying the General Motors Building 3 together; Consec and Donald, not Steve Hilbert and 4 Donald. 5 Q. Right. 6 A. Consec and Donald. 7 Q. And we'll come back to the GM Building in a minute. 8 Could you tell me about the progression of your 9 relationship with Mr. Trump and/or Melania Trump 10 from that point? So that's 1998, and tell us about 11 the development of your relationship after that. 12 MR. TULLY: I would object to the form of the 13 question, Counsel. That's very broad and vague. 14 Could you maybe break it up a little bit, be more 15 specific? 16 MR. TYRA: Sure. 17 BY MR. TYRA: 18 Q. So you entered -- well, Consec entered into a deal 19 with Mr. Trump for the purchase of the GM Building 20 in 1998. And can you tell us about the next step 21 in your personal or professional relationship with 22 Mr. Trump? 23 MR. TULLY: Hold on a second. I'm going to 24 object to the form of the question to the extent it 25 asks about personal relationships with Mr. Trump.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Well, I had an office in New York, and there were 2 one or two occasions that I would be in New York -- 3 I was in New York a lot, but there were one or two 4 occasions where I was in New York that Donald -- I 5 said, I'd like to see the progress of the building, 6 and Donald would meet us at the GM Building. My 7 office was right next to the GM Building. And we'd 8 go through it, and he would point out the progress 9 he's making in improving the value of the entity. 10 Q. And during approximately what time period were 11 those approximately two visits? In other words, 12 that starts around, I believe you said, June of 13 1998? 14 A. It closed in June '98. 15 Q. Right. 16 A. I don't recall. I don't recall. 17 Q. As far as an estimation, over a period of 18 approximately one year or two years? 19 A. I really don't recall. And to clarify, there could 20 have been three walk-throughs we did. I don't 21 recall the exact number. But they were all to 22 really take a look at how the building was 23 progressing. I mean, this was a significant asset. 24 And there were times that I weren't there, and 25 people in our private capital group would talk with</p>

<p style="text-align: right;">Page 21</p> <p>1 Donald and go through, because, you know, again, 2 that was an \$890 million purchase when we figured 3 all the ancillary costs. 4 Q. After perhaps a couple of walk-throughs at the GM 5 Building, what was your next interaction with 6 Donald Trump? 7 MR. TULLY: Object to the form of the 8 question. Answer if you can, Mr. Hilbert. 9 A. Well, there were a couple of things. Donald came 10 to Indianapolis June, July for the Brickyard 400 11 and met -- the primary reason was not to go to the 12 Brickyard. The primary reason was because we met 13 with the Simon family and played golf with David 14 Simon because the building had just closed. 15 Q. So this would be around July of 1998? 16 A. That's accurate. 17 Q. So after the closing, there was one occasion where 18 Mr. Trump came out to Indianapolis. There were a 19 couple of occasions by your estimate when you went 20 out to do a walk-through of the GM Building. And 21 by the way, how long was Mr. Trump in Indianapolis 22 in 1998 for that visit? 23 A. Overnight. 24 Q. Where did he stay? 25 MR. TULLY: Objection. Counsel, really is the</p>	<p style="text-align: right;">Page 23</p> <p>1 mentioned in the pleadings in this case. I'm at a 2 loss what the relevance is. But if you can answer 3 that narrow question, go ahead, please. 4 MR. FUNK: I'm going to object on the grounds 5 of relevance also. 6 MR. TULLY: Do you recall the question? 7 A. Well, I've got to qualify this if I can, the 8 question. I mean, I've got to be -- 9 MR. TULLY: I'm not sure I remember the 10 question. 11 THE WITNESS: Well, why don't you read it 12 back. 13 MR. TULLY: Please. Thank you. 14 (The requested material was read back by the 15 reporter.) 16 MR. TULLY: I renew my objection. Answer if 17 you can, Mr. Hilbert. 18 A. Okay. Other than we did -- New Sunshine did the 19 Celebrity Apprentice. And they did the Celebrity 20 Apprentice in 2010, and it was aired in 2011. That 21 was pure business. So when you talk about walking 22 on a set and there's Donald Trump, that happened 23 maybe three to four times during that filming. 24 There was a 2012-2013 episode for the Melania line, 25 and I was there from a business perspective for the</p>
<p style="text-align: right;">Page 22</p> <p>1 location of where Mr. Trump stayed in 1998 relevant 2 to the claims in your amended complaint for 3 declaratory injunctive relief and why this witness 4 is here? 5 Q. Let me ask you this: Did he stay with you? 6 A. He did. 7 Q. And then after that period of time, the 8 walk-throughs at the GM Building, what was your 9 next interaction with Mr. Trump? 10 A. You know, you're asking me questions back in 11 1998-1999. I don't recall exactly when the next 12 interaction with Donald was. I mean, Donald and -- 13 Donald and Melania, along with another 150 people, 14 by the way, that came from Europe and what have 15 you, came to my wife's 30th birthday party. But 16 that was -- showed up and left. 17 Q. And where was that? 18 A. That was in St. Martin. 19 Q. Let's do it this way: Can you estimate for me how 20 many times you were face to face with Donald Trump 21 from the closing of the GM Building in 1998 until 22 the beginning of 2011, an estimate? 23 MR. TULLY: While you're thinking, Mr. 24 Hilbert, I'm going to make an objection for the 25 record. I don't even see Mr. Trump's name</p>	<p style="text-align: right;">Page 24</p> <p>1 benefit of New Sunshine. 2 There could have been the same number -- 3 Australian Gold, the SPFs, also had an episode on 4 the Apprentice for the benefit of New Sunshine, and 5 you might have the same number. Other than those, 6 I'm going to estimate ten times. That's an 7 estimation. 8 Q. And so approximately ten times from approximately 9 June of 1998 until the beginning of 2011, correct? 10 A. That's an estimate, yeah. 11 Q. All right. And in that time period of June or July 12 of 1998 until the beginning of 2011, about how many 13 times did you speak with Donald Trump on the phone? 14 MR. TULLY: Same objection to relevance. 15 MR. FUNK: Same objection. 16 A. And I don't recall. I mean, I couldn't give you a 17 number. 18 Q. Through that time period, were there any occasions 19 where they stayed at your place or you stayed at 20 theirs, other than you mentioned for the Brickyard, 21 Mr. Trump stayed overnight at your residence, other 22 than that? 23 MR. TULLY: Mr. Hilbert, I'm going to object 24 on the grounds, again, of relevance; prying into 25 personal details that are, as far as I can tell,</p>

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1 (Exhibit 76 was marked for identification.)
 2 Q. I hand you Exhibit 76, and this would, again, be
 3 Mr. Trump, you, Mrs. Hilbert, and Ms. Travis, is
 4 that correct?
 5 A. That is accurate.
 6 Q. All right. And do you know whether that was taken
 7 the same day as the other two photos?
 8 A. This was taken the next day.
 9 Q. And was this during shooting?
 10 A. This was, yes, the shooting of Celebrity
 11 Apprentice.
 12 Q. Do you have any recollection of what you were
 13 discussing at the time the photo was taken?
 14 MR. TULLY: Objection to relevance. You can
 15 answer if you can, sir.
 16 A. Well, we were discussing what the New
 17 Sunshine/Australian Gold SPF team thought the
 18 winner was between the celebrities on the tasks
 19 that they had in front of them, for the benefit of
 20 New Sunshine/Australian Gold.
 21 Q. Now, we were talking a few minutes ago about the GM
 22 Building deal.
 23 A. Yes.
 24 Q. And you've already indicated that that was in
 25 approximately 1998.

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1 A. That's accurate.
 2 Q. Yes. And it was really a deal between Conesco and
 3 Mr. Trump on the one hand purchasing it from a
 4 company owned by the Simons, essentially. Does
 5 that sound about right?
 6 A. That's accurate.
 7 Q. And do you know whether Conesco's partner in
 8 purchasing the GM Building was Donald Trump
 9 personally or the Trump Organization or some or
 10 entity?
 11 A. Restate that question, please.
 12 Q. Well, when we talk about Mr. Trump as a partner in
 13 purchasing the GM Building, was it Donald Trump or
 14 was it the Trump Organization or some other
 15 business entity that was the partner in buying the
 16 building?
 17 MR. FUNK: Objection on the grounds of
 18 relevance.
 19 MR. TULLY: Join. You can answer, sir.
 20 A. Well, I don't know the organizational structure of
 21 the Trump Organization. I'm assuming.
 22 MR. TULLY: Don't assume. You were instructed
 23 by counsel not to assume.
 24 A. The Trump Organization, of which Donald is the
 25 founder and CEO of, was the ultimate owner of

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1 50 percent of the General Motors Building.
 2 Q. And you were CEO of Conesco back in 1998, correct?
 3 A. That's accurate.
 4 Q. And as you said just a second ago, the deal was
 5 essentially that the Trump Organization would have
 6 50 percent of the equity in the GM Building, and
 7 Conesco would have 50 percent of the equity,
 8 correct?
 9 A. That is accurate.
 10 Q. Yet Conesco invested about 191 million in
 11 purchasing the GM Building and the Trump
 12 Organization only invested about 11 million, is
 13 that --
 14 MR. FUNK: We're going to object first on
 15 relevance and secondly on lack of foundation. This
 16 witness does not know and cannot know which entity
 17 within the Trump business activities was involved
 18 in that transaction, and, in fact, it's not the
 19 Trump Organization.
 20 MR. TYRA: All right.
 21 MR. TULLY: I'll join the objection to form,
 22 relevance, and lack of foundation.
 23 BY MR. TYRA:
 24 Q. Let me start -- did I understand you a moment ago
 25 to say that it was at least your understanding that

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1 the entity which was the partner in the GM Building
 2 deal was the Trump Organization? Did I
 3 misunderstand you?
 4 A. It was -- that's my understanding.
 5 MR. FUNK: Objection. Lack of foundation.
 6 A. That's my understanding.
 7 Q. All right. So whether it's exactly the Trump
 8 Organization or some or Trump business entity,
 9 would it be fair to say that the breakdown of the
 10 financial investment was 191 million for Conesco
 11 and 11 million for Trump?
 12 A. It would not be.
 13 Q. All right. And what would be wrong about that
 14 statement?
 15 A. We put up approximately 185 million.
 16 Q. Okay.
 17 A. The Trump Organization put up 12 and a half million
 18 for their 50 percent of the equity. We put up 12
 19 and a half million for our 50 percent of the
 20 equity. There was 700 million of debt provided by
 21 Lehman, and Donald Trump personally guaranteed
 22 every cent of that debt. So there was much more
 23 there than just 12 and a half million for his half
 24 of the equity. He personally guaranteed the entire
 25 700 million.

<p style="text-align: right;">Page 33</p> <p>1 Q. And perhaps I misunderstood you a second ago. Did 2 you say that Consecoco put up 12 and a half million 3 as well? 4 A. That is accurate. 5 Q. Now, a moment before that, I think you said that 6 Consecoco had put in 185 million? 7 A. Well, I think the disconnect is you don't 8 understand how transactions work. 9 Q. Please explain. 10 MR. TULLY: I'm going to have to object again. 11 Now we're getting into details of a transaction 12 happened in 1998 between parties that have nothing 13 to do with this case. Counsel, what is the 14 relevance of this? Why is this witness here 15 testifying about this? 16 MR. FUNK: I'm objecting on the grounds of 17 relevance also. 18 MR. TULLY: Can you please explain it? 19 Because at some point in time here, I may need to 20 seek a protective order. 21 MR. TYRA: What I'm asking about is the 22 history of how Mr. Hilbert and Mr. Trump did deals 23 and the allocation of risk and benefit as 24 background to the license agreement. 25 MR. FUNK: I'm going to object further on the</p>	<p style="text-align: right;">Page 35</p> <p>1 transactions as well. And we put the 185 million 2 in as subordinated debt that had an interest rate 3 that was market. It was arm's length. And over 4 and above that, we took an equity interest, just as 5 we did in numerous other transactions; as an 6 example, the riverboat, where we put \$80 million in 7 as subordinated debt, and then we put in 15 million 8 to have a 30 percent interest in that entity. 9 And this transaction, again, was totally arm's 10 length, not negotiated by me, negotiated by a 11 private capital group and approved by the 12 regulators in the insurance industry, and was a 13 phenomenal investment for Consecoco. And that is the 14 last question I'm answering about the GM Building. 15 Q. Okay. Now, from the GM Building or since the GM 16 Building until the negotiations started that 17 culminated in the license agreement between Melania 18 Marks and New Sunshine, were there any other deals 19 or investments in which you or your companies and 20 anyone involved with the Trump Organization were 21 both involved? 22 MR. TULLY: That's just a yes or no question. 23 A. No. 24 Q. And have there been any other transactions, again, 25 other than the GM Building and the Melania Marks</p>
<p style="text-align: right;">Page 34</p> <p>1 grounds that that has nothing to do with this case. 2 The testimony is clear that Donald Trump personally 3 was not involved in either the ownership of Melania 4 Marks Skincare nor in this transaction's financing. 5 BY MR. TYRA: 6 Q. Go ahead. 7 MR. TULLY: Can I rehear the question, please? 8 (The requested material was read back by the 9 reporter.) 10 MR. TULLY: Object to the form. Please 11 explain what? 12 Q. Please explain what it is about the way this deal 13 happened that it was really 12.5 million by Consecoco 14 rather than 185 million. You said that there's a 15 way of explaining this type of deal. I'm asking 16 you to do that. 17 A. I'm going to give you one explanation, and I'm not 18 asking -- I'm not going to answer one more question 19 about the GM Building, not one more. So write down 20 what I'm telling you. 21 Q. Mm-hmm. 22 A. Consecoco had a private capital group. That private 23 capital group invested in subordinated debt in 24 multiple transactions, i.e., everything from 25 riverboat gaming to the GM Building to other</p>	<p style="text-align: right;">Page 36</p> <p>1 license agreement, between you and any companies in 2 which you or Tomisue Hilbert have an interest and 3 either Donald and Melania Trump or any companies in 4 which the Trumps have had an interest? 5 MR. TULLY: I'm sorry -- 6 A. We do not. 7 MR. TULLY: Go ahead. 8 A. We do not. 9 Q. And, specifically, just so I make sure we're on the 10 same page on this, as far as entities in which you 11 have an interest, would it be correct to say those 12 companies include Hilbert Sun Corporation? Does 13 that sound right? 14 A. We have Hilbert Sun Corporation, yes. 15 Q. And Hilbert Thoroughbreds? 16 A. We do. 17 Q. Decatur Vein Clinic? 18 A. We do. 19 Q. Tomisue, LLC? 20 A. We do. 21 Q. MH Equity Managing Member? 22 A. We do. 23 Q. MH Equity Managing Member, LLC, II? 24 A. We do. 25 Q. And so when we're saying that, to your knowledge,</p>

<p style="text-align: right;">Page 217</p> <p>1 capital account with the debtor and thus arguably 2 constitute a distribution to Tomisue Hilbert by 3 this account. 4 Was this transaction anything to do with the 5 Trumps or any of their related entities? 6 MR. TULLY: I'm going to object to that 7 question for the reasons similar to earlier today, 8 Mr. Tyra, that I think that is off the table in 9 terms of appropriate topics for this deposition on 10 its face and the fact that you're asking questions 11 in the context of a separately pending bankruptcy 12 action, which there will be an opportunity to ask 13 the same kind of questions by either you or someone 14 else representing similar parties. I think we're 15 beyond the scope here. I don't know if you know 16 the answer, but... 17 A. The answer is no. 18 MR. TULLY: That would be the easy way to deal 19 with it, but I wanted my objection to be on the 20 record. 21 A. The answer is no. 22 Q. Can you say what was the entity which was 23 ultimately wholly owned by Tomisue or entity wholly 24 owned by the members? 25 A. I don't know.</p>	<p style="text-align: right;">Page 219</p> <p>1 MS. PENCE: So what? 2 MR. TYRA: -- or the Melania Marks' 3 transaction. 4 A. No. 5 BY MR. TYRA: 6 Q. What was it for? 7 MR. TULLY: All right. All right. Now -- no. 8 Don't answer that question. Add that to the list 9 of items that are outside of the scope of discovery 10 in this case and that actually are the subject of 11 other pending litigation between the same parties. 12 Trying to conduct discovery in this those cases 13 here is inappropriate. You asked the question 14 which was does it have anything to do with 15 something that's relevant. The witness said no. 16 You've now gone too far. 17 MR. TYRA: That would be something that we 18 would certify. And all I have left is anything 19 else relating to the resort in St. Martin, and do 20 you want to agree that that is something -- that 21 whole line of questioning is something you want to 22 seek a protective order? 23 MS. PENCE: What would be the line of 24 questioning or the questions you want to ask? 25 BY MR. TYRA:</p>
<p style="text-align: right;">Page 218</p> <p>1 MS. PENCE: This is nonsense. No. This is 2 nonsense. 3 MR. TULLY: Your answer is you don't know? 4 MS. PENCE: The only reason -- 5 THE WITNESS: I don't know. 6 MS. PENCE: -- that Mr. and Mrs. Hilbert are 7 here today is to talk to the Melania Trump's 8 contract that was signed and whether or not Eric 9 Weber had authority. That's the only issue that's 10 over in federal court. If you've got other issues 11 that involve bankruptcy or Wisconsin or 12 Mrs. Hilbert, you ask them in the context of those 13 cases. 14 MR. TULLY: His answer was he doesn't know, 15 anyway, but I share the objection. 16 (Exhibit was marked for identification.) 17 MS. PENCE: What relevance does this have? 18 Q. The entry for 9-21, wireout Banque des Antilles, 19 what was the purpose of that transfer? 20 MR. TULLY: Mr. Tyra, I'm going object. What 21 has this got to do with this case? Can you -- 22 seriously, can you lay some kind of foundation of 23 relevance for this? 24 MR. TYRA: I just want to know does this have 25 anything to do with the Trumps or the --</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. Well, have you sold Le Chateau des Palmiers? 2 MR. TULLY: Objection. 3 MS. PENCE: All right. Yeah, objection. 4 That's got nothing to do with the Melania -- I'm 5 sorry. It's just my habit. 6 MR. TYRA: Yes, it is. 7 MR. TULLY: Why don't we do this -- can we go 8 off the record for a second? If you don't mind 9 that there's a pending questions, can we go off the 10 record to address this in a more expeditious 11 fashion, with your permission? 12 MR. TYRA: All right. Go ahead. 13 MR. TULLY: Thank you. 14 (A discussion was held off the record.) 15 BY MR. TYRA: 16 Q. The specific question I've got or initial question 17 I've got about Le Chateau des Palmiers, did you and 18 Tomisue sell the resort to the Trumps? 19 MR. TULLY: I object to that, and that would 20 be one of the subjects of a request for an 21 exclusion of evidence, limitation of evidence, or 22 protective order from this court. So with that 23 intention, I'm going to instruct you not to answer. 24 MR. TYRA: All right. And I've got a series 25 of questions regarding the sale this month of Le</p>

<p style="text-align: right;">Page 221</p> <p>1 Chateau des Palmiers apparently by the Hilberts to 2 the Trumps. And if you would like to go ahead and 3 file your motion for a protective order, obviously 4 there are a whole series of questions relating to 5 that transaction, and we will reserve that for a 6 later date. 7 There's also, I believe, some documents that 8 were claimed as privileged by Melania, which it's 9 my understanding there's going to be a supplemental 10 production, and we would reserve the right, 11 specifically as to those documents, possibly to 12 resume Mr. Hilbert's deposition. So subject to 13 that and subject to your -- 14 MR. TULLY: Possibly opposing that request. 15 MR. TYRA: -- motion for protective order, 16 that's all the questions I have at this time. 17 MR. TULLY: I appreciate you identifying the 18 subjects of your other questions so we can 19 appropriately approach the court for that 20 limitation of evidence. 21 I do have just a few quick follow-up questions 22 for you, Mr. Hilbert, with respect to your 23 testimony earlier here today. 24 CROSS-EXAMINATION 25 BY MR. TULLY:</p>	<p style="text-align: right;">Page 223</p> <p>1 agreement with Melania Marks skin products your 2 decision exclusively? 3 A. It was not. 4 Q. Earlier today in response to questions put to you 5 by Mr. Tyra, you mentioned that the Melania Marks 6 project was, quote/unquote, hush-hush within New 7 Sunshine. Do you recall that testimony? 8 A. I do. 9 Q. What did you mean by that? 10 A. Well, there was a -- we kept a very, very tight 11 group that knew that we were working on a potential 12 licensing deal with Melania for the skincare line 13 because we couldn't take a chance of it getting 14 leaked, and it was kept very quiet. Only Angie -- 15 I think Jason was the designer, and Scott, Eric, 16 and I were really privy to that. 17 Q. Why wouldn't you want to leak in advance the fact 18 there might be a new skin product line? 19 A. Well, we had a confidentiality agreement, first of 20 all, with Melania. We didn't have a deal, and we 21 didn't want have been prematurely announced. 22 Q. To the marketplace? 23 A. To the marketplace, to -- 24 Q. One last question. At least twice you referenced 25 delay in progress of the finalization of the</p>
<p style="text-align: right;">Page 222</p> <p>1 Q. If you can remember back to this morning in 2 response to Mr. Tyra's questions, I think you were 3 asked -- you said something along the lines of 4 decisions are all mine exclusively. Mr. Tyra asked 5 you, does that include with respect to all the 6 portfolio companies, and I believe you said 7 something like that is correct. Do you recall that 8 testimony? 9 A. I do. 10 Q. Is that correct as to all portfolio companies? 11 A. It is not correct. 12 Q. Why is it not correct? 13 A. Because each of the portfolio companies had its own 14 management team, its own CEO, and they had the 15 day-to-day operations. Only until 2010 did I 16 become the operating CEO of New Sunshine. And from 17 2010, whatever that date was -- I don't recall the 18 exact month -- then I was the CEO of New Sunshine. 19 But all the other companies, they reported to us 20 the same way that we reported to Menard on a 21 monthly basis, as far as their financials and some 22 of the consultants, the consultants that worked for 23 the manager, worked with those managements just as 24 needed. 25 Q. Was the decision to enter into the license</p>	<p style="text-align: right;">Page 224</p> <p>1 license agreement due to Sandy. What is Sandy? 2 A. That's Hurricane Sandy. 3 MR. TULLY: Thank you. I have no further 4 questions. If there aren't any others, we will 5 reserve signature, please. 6 MR. TYRA: It appears we're continuing the 7 deposition, and so we'll await further 8 developments. 9 MR. TULLY: Right. And just for the record, 10 we reserve the right to object to any request to 11 continue the deposition due to any subsequent 12 production of documents. 13 MR. FUNK: Let's remain on the record for just 14 a moment. 15 MR. TULLY: Sure. 16 MR. FUNK: Mr. Hilbert, on behalf of the 17 defendant Melania Marks Skincare, I want to serve 18 you with a trial subpoena for your testimony at 19 trial of this case in November, and a copy for your 20 counsel. Thank you. That's all I have. 21 THE REPORTER: Will counsel please state their 22 orders on the record? 23 MR. TYRA: We request an E-Tran. 24 MR. FUNK: That's fine. 25 MR. TULLY: Same, please, with exhibits.</p>